

**FILED**

**FEB 21 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAMUEL PASION,

Defendant - Appellant.

No. 05-10075

D.C. No. CR-03-00200-HG

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Hawaii  
Helen Gillmor, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Samuel Pasion appeals from the sentence imposed following his guilty plea to one count of conspiracy to distribute and possess with intent to distribute

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841 (a)(1), and one count of unlawful possession of a firearm as a drug user in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291.

Pasion contends that his counsel was ineffective for failing to object to a sentencing enhancement pursuant to U.S.S.G. § 2D1.1(b)(1), for possession of a firearm in connection with a drug offense. The record is insufficiently developed in this case to permit us to review this claim on direct appeal. *See United States v. Ross*, 206 F.3d 896, 900 (9th Cir. 2000) (stating that claims of ineffective assistance of counsel are generally inappropriate on direct appeal and should be raised in habeas corpus proceedings to permit development of record). We therefore decline to address the claim and affirm the sentence.

**AFFIRMED**